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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) KAVIPURAPU 1	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>February 1, 2006</u> Signature <u>Debbie Sams</u> Typed or printed name <u>Debbie Sams</u>		Application Number 09/826,240	Filed April 4, 2001
		First Named Inventor Anil Kavipurapu	
		Art Unit 2116	Examiner Paul B. Yanchus, III
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record.      48,981 Registration number</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.</p>			

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ATTORNEY DOCKET NO. KAVIPURAPU 1

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anil Kavipurapu

Serial No.: 09/826,240

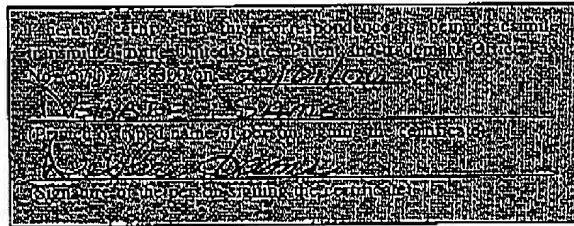
Filed: April 4, 2001

Title: POWER SELECTION SYSTEM FOR USE WITH A  
RECONFIGURABLE CIRCUIT AND METHOD OF  
OPERATING THE SAME

Grp./A.U.: 2116

Examiner: Paul B. Yanchus, III

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Sir:

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

The Applicants have carefully considered this application in connection with the Examiner's Final Rejection mailed November 2, 2005, and respectfully request a pre-appeal brief review of this application in view of the following remarks.

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**REMARKS/ARGUMENTS**

The Applicant originally submitted Claims 1-20 in the application. In previous responses, the Applicant canceled Claims 1-20 without prejudice or disclaimer, added Claims 21-40 and amended Claims 21, 23, 28, 30, 34 and 37. Accordingly, Claims 21-40 are currently pending in the application.

**I. Comment on Advisory Action**

In the Advisory Action, the Examiner asserts the Applicant defines "reconfiguring a reconfigurable circuit" in the pending claims as "altering a power characteristic applied to at least a portion thereof." The Applicant respectfully disagrees and directs the Review Panel to pending independent Claim 28. As recited in Claim 28, a reconfigurable circuit is reconfigured "by altering a power characteristic applied to at least a portion thereof." Therefore, "reconfiguring a reconfigurable circuit" is **not defined** in the claims as "altering a power characteristic applied to at least a portion thereof." Instead, "altering a power characteristic" is how the reconfigurable circuit is reconfigured. Thus, it appears the Examiner incorrectly interpreted pending Claims 21-40. Accordingly, as argued below, the Applicant respectfully requests the Review Panel to remove the rejections of the pending claims and allow issuance thereof.

**II. Rejection of Claims 21-25 and 28-32 under 35 U.S.C. §102**

The Examiner has rejected Claims 21-25 and 28-32 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,719,800 to Mittal, *et al.* Independent Claims 21 and 28 include

reconfiguring a reconfigurable circuit by altering a power characteristic applied to at least a portion thereof. Mittal fails to teach such reconfiguring of a reconfigurable circuit.

Mittal relates to reducing the power consumption of integrated circuits (IC). (*See* column 1, lines 6-7.) Mittal discloses a mode controller 107 that switches a functional unit 105 between a normal mode of operation (typically one with high performance and high power consumption) and a reduced-power mode 102 (typically one lower in performance and lower in power consumption). (*See* column 5, lines 13-30 and Figure 1.) The mode controller 107, however, does not reconfigure the functional unit 105. On the contrary, the mode controller 107 switches to the reduced-power mode by throttling the performance of the functional unit 105. (*See* column 4, lines 19-28.) Throttling the performance does not include reconfiguring a reconfigurable circuit but instead involves, for example, lowering an instruction retirement rate or an instruction issue rate. (*See* column 3, lines 14-17.) Thus, the rates associated with the functional unit change but the configuration of the functional unit 105 does not change. Therefore, even assuming the functional unit 107 is a node located within a reconfigurable circuit as asserted by the Examiner, Mittal does not teach reconfiguring the reconfigurable circuit but instead teaches maintaining the configuration of the circuit and reducing power consumption of the circuit by throttling performance thereof. Mittal, therefore, does not teach reconfiguring a reconfigurable circuit as recited in independent Claims 21 and 28.

Since Mittal does not disclose each and every element of independent Claims 21 and 28, Mittal does not anticipate independent Claims 21 and 28 and Claims dependent thereon. Accordingly, the Applicant respectfully requests the Review Panel to remove the §102 rejection of Claims 21-25 and 28-32 and allow issuance thereof.

**III. Rejection of Claims 26-27 and 33-40 under 35 U.S.C. §103**

The Examiner has rejected Claims 26-27 and 33-40 under 35 U.S.C. §103(a) as being unpatentable over Mittal. As discussed above, Mittal does not teach reconfiguring a reconfigurable circuit by altering a power characteristic applied to at least a portion thereof based on a comparison between a transition rate and a predetermined operating range as recited in independent Claims 21 and 28. More specifically, Mittal does not even teach reconfiguring a reconfigurable circuit. Additionally, Mittal does not suggest reconfiguring a reconfigurable circuit since Mittal teaches reducing power consumption of a circuit by throttling the performance of the circuit. (See column 4, lines 19-28.) Mittal, therefore, provides no motivation to one skilled in the art to dynamically control the power utilization of a circuit by reconfiguring the circuit. Thus, Mittal neither teaches nor suggests each and every element of Claims 26-27 and 33 that depend on independent Claims 21 and 28, respectively.

Additionally, Mittal does not teach or suggest each and every element of independent Claim 34 which also includes reconfiguring a reconfigurable circuit as recited in independent Claims 21 and 28. Mittal, therefore, fails to teach or suggest the invention recited in independent Claims 21, 28 and 34. As such, Mittal fails to provide a *prima facie* case of obviousness of independent Claims 21, 28 and 34 and Claims dependent thereon. Accordingly, Claims 26-27 and 33-40 are not unpatentable in view of Mittal and the Applicant respectfully requests the Review Panel to remove the §103 rejection of Claims 26-27 and 33-40 and allow issuance thereof.

**IV. Conclusion**

In view of the foregoing remarks, the Applicant sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 21-40.

The Applicant requests the Reviewers to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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Dated: 2/1/06

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